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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1996]

1. The Chechens, closely related to the Ingush, are an indigenous Caucasian people who have been engaged in a struggle for independence for over 150 years from Russia and/or the Soviet Union. On 11 December 1994, the Russian forces moved on the Chechen capital of Grozny. Since then, the war has spread throughout the republic. Human Rights Watch takes no position on Chechnya's claim to independence. Our concern is that all parties obey humanitarian law designed to prevent civilian casualties.

2. Civilians have been the primary victims of the war in Chechnya, which pits Russian Interior Ministry and Defence Ministry forces against Chechen rebels led by Dzhokhar Dudayev. Russian forces use indiscriminate and disproportionate bombing and shelling on a routine basis, frequently attack civilians fleeing conflict zones, wilfully attack civilians during "mop-up" operations, beat and torture men in so-called "filtration camps", loot civilians of valuables and other property, and severely restrict movement by international humanitarian relief organizations and the press in the conflict zone. Russian forces commit systematic violations of humanitarian law in nearly every military operation in Chechnya. Such conduct has cost thousands

of civilian lives since the beginning of the war, driven tens of thousand from their homes and places of refuge, and destroyed entire villages and major parts of towns in Chechnya. The Russian command in Chechnya and the Government in Moscow have not altered this brutal conduct, choosing in almost all cases to ignore documented evidence of humanitarian law and human rights violations.

3. Pro-Dudayev rebels have taken large numbers of civilians hostage, used civilians as shields, taken up military positions in civilian areas (thus turning these positions into military targets), and committed summary executions. They utterly fail to recognize and fulfil their obligations, as a party to an internal conflict, to protect civilians in the conflict zone.

4. Russian forces' indiscriminate fire includes air strikes, strafing and shelling from helicopter gunships, long-range artillery, and Grad missiles and other surface-launched rockets. These strikes cannot compare in scale to the indiscriminate bombing of Grozny last winter, but the same tactic is at work: very inaccurate, highly destructive shell fire, strafing or bombing of villages or areas where pro-Dudayev fighters have either taken up positions or are suspected to be present. Yet these villages are also filled with civilians who are far more often victims of Russian long-range fire-power. In the two main offensives of 1995 and 1996, Human Rights Watch/Helsinki documented indiscriminate fire in 12 towns and villages, and Russian human rights organizations and media reported on indiscriminate fire in many others. In February 1996 the mountainous Vedeno area, for example, was filled with refugees from the flatlands when Russian air strikes began. When Chechen rebels attacked Russian forces in Gudermes in December, Russian forces answered with long-range artillery and helicopter-launched shelling and the use of Grads on a city of at least 58,000 residents, only one fourth of whom had fled before hostilities began. More than 10,000 civilians - mostly refugees from other areas of Chechnya - were present in the western Chechnya village of Sernovodsk when Russian forces began shelling from helicopters.

5. Russian forces appear to shoot anything that moves on certain roads in Chechnya, bringing tragedy to civilians fleeing villages under siege and to the displaced population who wish to visit their homes to assess damage and find loved ones. In fact-finding missions in 1995 and in January 1996, Human Rights Watch took testimony from dozens of displaced people who either were victims of or witnessed such attacks: displaced people were shot at on village roads or when they were fleeing through fields.

6. Once Russian forces have shelled villages and are ready to move in, mop-up operations are usually carried out. By far the most notorious example of human rights violations during mop-up operations took place on 7 and 8 April 1995, in Samashki, in western Chechnya. At least 102 civilians - including 15 women and children - were massacred and dozens of houses were torched by Russian special forces units. Nearly a year later, the Russian Government has held no commander responsible for the massacre.

7. Russian forces arbitrarily and illegally detain and systematically beat, torture and humiliate Chechen men suspected of being rebel fighters. Conditions in these detention centres, known as "filtration camps", are inhuman; methods of torture used to force confessions include repeated

beatings with fists and rifle butts, electric shock and attacks by dogs. According to the Russian human rights group Memorial, most of the 500 men detained in the early months of the war were later released for lack of evidence against them. Men are taken in at checkpoints or during mop-up operations: currently in Sernovodsk, Russian forces are threatening to hold the entire male population between the ages of 18 and 55 for "filtration".

8. In recent months Russian forces at checkpoints routinely turned back international relief organizations, bringing their operations in Chechnya to a near halt in December and January. New, severe press restrictions in conflict areas have made it clear that Russian forces seek to keep the conduct of their operations out of public view.

9. Chechen forces have also committed human rights violations. On two occasions, in Budyennovsk and in Kizlyar, Chechen forces seized as hostages groups of up to 1,200 civilians. In Budyennovsk, Chechen rebels held hundreds hostage, denied them food, water and medical treatment, and used them as shields to attain military goals. In addition, hospitals and other civilian objects were used by Chechen forces as sites for military operations. The hostage seizure in Kizlyar confirmed this disdain for human life; after they brought their hostages to Pervomaiskoe, Chechen rebels scattered them in separate houses to shield their positions from Russian forces. When Chechen rebels attacked Russian positions in Gudermes, they endangered the approximately 33,000 civilians there. In addition, they took up offensive positions in a hospital building, thereby bringing the building under intense helicopter shelling. There is growing evidence that Chechen rebels were responsible for the summary execution of humanitarian relief expert Frederick Cuny, his translator and the two Russian Red Cross doctors travelling with him.

10. It is incumbent upon the United Nations Commission on Human Rights to forcefully condemn these blatant and well-documented violations of humanitarian law. Human Rights Watch calls on the Commission to adopt a resolution condemning violations of humanitarian law and human rights in Chechnya and requesting that the Government of the Russian Federation invite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Arbitrary Detention to visit the area. They should be requested to report to the fifty-third session of the Commission.

Srebrenica

11. In April and May 1995, the Bosnian Serb army, with the assistance of the Yugoslav army and paramilitary forces from Serbia proper, intensified the campaign to "ethnically cleanse" all non-Serbian inhabitants from much of Bosnia. In July, after several months of preparatory activity, the Bosnian Serbs attacked the United Nations-designated "safe area" of Srebrenica. Despite the stated mission of UNPROFOR to "protect the civilian populations of the designated safe areas against armed attacks and other hostile acts through the presence of its troops and, if necessary, through the application of air power, in accordance with agreed procedure", the United Nations and Member States failed to take decisive action to protect the enclave. The Dutch UNPROFOR contingent, which stood at just 300 troops due to the refusal of the

Bosnian Serbs to allow replacement troops to enter the city, was further weakened when Bosnian Serb troops confiscated weapons spare parts, rendering UNPROFOR's TOW missiles inoperable. The failure of the United Nations to bolster UNPROFOR forces in Srebrenica despite warnings of impending attack permitted the Bosnian Serbs to carry out premeditated mass slaughter not seen in Europe since the Second World War.

12. On 6 July, the approximately 5,000 Bosnian Serb troops surrounding the enclave launched a full-scale offensive, and by 8 July overran several United Nations observation posts, taking 55 United Nations troops hostage. Bosnian government forces, angered by the failure of the United Nations soldiers to defend the city or to permit them to do so (Dutch troops prevented government soldiers from taking weapons from collection sites), killed a Dutch peace-keeper on 8 July. According to press accounts, the Dutch commander in Srebrenica requested close air support that day, and made at least several more requests for air strikes over the next several days. All his requests were denied by Lt.General Bernard Janvier, commander of United Nations forces in former Yugoslavia, due to concerns about jeopardizing talks being conducted in Belgrade between European Union mediator Carl Bildt and Serbia's President Slobodan Milosevic.

13. On 10 July, the Srebrenica hospital was directly targeted by Serb shells, and approximately 30,000 people began to evacuate Srebrenica and move towards the United Nations base in Potocari, midway between Srebrenica and the town of Bratunac.

14. On 11 July, Dutch troops were again denied air support until finally at 2.23 p.m., an air strike by NATO was launched, resulting in the destruction of a single tank. Bosnian Serb commander Ratko Mladic threatened to fire on the Dutch compound and the civilian population and to execute Dutch hostages if more air strikes were carried out. The Dutch Defence Ministry demanded that air strikes be ended immediately, and that was the end of any pretence of defending the safe area.

15. By 12 July, the Potocari camp was overcrowded, and most of Srebrenica's able-bodied men (approximately 12,000-15,000) left in an attempt to reach Bosnian government territory, a journey which would take some well over a month. Bosnian Serb soldiers entered the camp in Potocari on 12 July and, wearing uniforms stripped from Dutch soldiers, began abducting civilians, raping and killing them. The factories and buildings near the camp were searched and many persons were removed. Bosnian Serb commander Ratko Mladic arrived in Potocari on 13 July in the afternoon, and handed out candy to children in front of Bosnian Serb television. Following Mladic's visit, many men and boys, and some girls, were led away, never to be seen again.

16. Others were killed in front of their relatives or international observers. Bosnian Serb forces then began transporting women, children and the elderly toward the Bosnian-controlled town of Kladanj, having first separated draft-age males from the group. On the way, some persons were taken off the buses. Nine women, for example, were taken off a bus at Bratunac, and their fate is still unknown. Evacuees spotted many corpses along the roads. Bosnian Serb forces gathered the captured men and transported them to several detention centres. While some persons from specific towns were separated and

killed during this process, the majority of men were taken to several sites, where they were executed en masse. In Karakaj, several thousand men were taken to a sports hall and held captive. The men were then loaded onto trucks and driven several kilometres, where they were told to get out of the trucks in groups of 5 or 10. They were then lined up and shot by Bosnian Serb soldiers. Bulldozers stood by to push bodies onto tractor trailers, indicating preparations by the Bosnian Serbs to execute large numbers of persons. Another execution site was described as a plateau of gravel near a dam, where men were forced to lie on the ground and were then shot dead. Again, a bulldozer came to pick up corpses, dumping them near a forest. More mass killings took place in or near the town of Bratunac. A Dutch soldier held hostage and later released reported seeing a truck filled to overflowing with bodies. Villagers reported that killings were conducted in a playing-field and a warehouse benind a school in Bratunac. As many as 4,000 men may have been killed in Bratunac alone.

17. According to the International Committee of the Red Cross (ICRC), 8,000 men were unaccounted for following the fall of Srebrenica. Later, the ICRC stated that at least 3,000 men were thought to be dead and that 5,000 remained unaccounted for. It is believed that many of the 5,000 were killed, but it is possible that some are still being detained by Bosnian Serb forces. The Bosnian Serbs are known to have detained non-Serbs in north-western Bosnia as forced labourers even following the Dayton peace agreement. To date, no plausible explanation of the fates of the missing men and women of Srebrenica has been offered by the Bosnian Serbs, and their families continue to suffer the terrible pain of not knowing.